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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

KOROBV, VITALI A

ART UNIT PAPER NUMBER

2155

DATE MAILED: 08/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/099,681

Applicant(s)

FULTON ET AL.

Examiner

Vitali Korobov

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 30 November 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Art Unit: 2155

RESPONSE TO AMENDMENT

1. This Office Action is in response to an amendment filed on 05/19/2006. Claims 1, 3-8, 11, 12 and 18 were amended. Claims 1-18 are pending in this Office Action.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-18 are rejected under 35 U.S.C. 102(e) as being anticipated by the U. S. Patent 6,587,835 to Treyz et al. (hereinafter Treyz).

Regarding claim 1, Treyz teaches a communications system comprising: a first transmitter beacon device for transmitting a plurality of alert signals to wireless receivers within range of the beacon (Col. 38, lines 38-46. Treyz teaches first and second groups of transmitter beacon devices. First group is providing wireless receiver location information (GPS or other location determination techniques, detailed elsewhere in Treyz). That location information

Art Unit: 2155

is sent to the user in a form of proximity alert messages, and also to the second group of transmitter beacon devices, that, as will be shown below, once alerted of the user proximity, transmit to the user their advertisements and alerts, seen in col. 13, lines 22-26 – transmitters for "local" communications), each alert signal being provided for prompting an alert message of the transmitter beacon (Col. 38, lines 25-37 – proximity messages, local messages, notifications, reminders, e-mail, etc.); a wireless receiver which stores interpretation data, selected interpretation data being used when an associated alert signal is received, thereby to generate the associated alert message at the mobile wireless device (Col. 9, lines 55-65 and Fig. 1 – handheld computing device 12; Col. 11, lines 24-27 – shopping lists is one example of interpretation data taught by Treyz. These lists are used by the user when store proximity messages are received), and a second transmitter beacon device adapted to: receive identification information of the wireless receiver that is transferred from the first beacon device; and to transmit to the wireless device (As shown above, the limitation of first beacon device is met by the GPS or "other location-determining techniques" (see col. 38, lines 38-46), and the limitation of second transmitter beacon device is met by the short range, or "local" communications, as per col. 13, lines 22-26, that transmit to the user various messages, as per col. 38, lines 23-37. See also fig. 49 for additional support for the above statements).

Art Unit: 2155

Regarding claim 2, Treyz teaches a communications system as claimed in claim 1, wherein the interpretation data comprises sound or image files (Fig. 112, step 1072 – images presented to the user for selection).

Regarding claim 3, Treyz teaches a communications system as claimed in claim 1, comprising: a group comprised of a plurality of the first beacon devices for wirelessly broadcasting data, the wireless receiver being for receiving data from the beacon devices of the first group (Col. 2, lines 31-36 – GPS beacons) wherein at least one of the beacon devices of the first group is arranged to provide the interpretation data to the wireless receiver to enable the wireless receiver to interpret signals from the beacon devices of the group (Providing interpretation data, such as maps, is an inherent functionality of GPS systems).

Regarding claim 4, Treyz teaches a communications system as claimed in claim 3, further comprising a group comprised of the second beacon devices for wirelessly broadcasting data (Col. 38, lines 25-37 – proximity messages, local messages, notifications, reminders, e-mail, etc.), wherein the one wireless receiver is adapted to receive data from the first and second beacon devices (Col. 9, lines 59-67 – wireless receiver 12) and wherein at least one of the second beacon devices is arranged to provide interpretation data to the wireless receiver to enable the wireless receiver to interpret signals from the beacon devices of the group of the second devices (Col. 38, lines 25-37 – proximity messages, local messages, notifications, reminders, e-mail, etc. See also Treyz's

Art Unit: 2155

teachings of "local" and "remote" communications in support of two groups of beacon devices).

Regarding claim 5, Treyz teaches a communications system as claimed in claim 3, wherein the at least one of the beacon devices of the group of the first beacon devices are arranged to receive the data relating to the identity of the wireless receiver during the provision of the interpretation data (Col. 13, lines 38-46 - "remote" communications, such as cellular telephone calls, require beacon devices to have the identity of the user's wireless receiver).

Regarding claim 6, Treyz teaches a communications system as claimed in claim 5, wherein a plurality of the beacon devices of the group of the first beacon devices comprises means for passing the identification information of the wireless receiver to the other beacon devices (Col. 38, lines 23-46 local messages sent based on the data provided to local beacons from the GPS system).

Regarding claim 7, Treyz teaches a communications system as claimed in claim 5, wherein the identification information of the wireless receiver comprises the identity and/or profile information concerning the wireless receiver (Col. 38, lines 28-32 – sending messages particular to the user based on the identity information).

Regarding claim 8, Treyz teaches a communications system as claimed in claim 5, wherein the other beacon devices of the group of the first beacon devices each comprise filtering means to filter potential messages in dependence

Art Unit: 2155

on the data relating to the identity of the wireless receiver (Col. 48, lines 28-32 - sending messages particular to the user based on the identity information. Treyz also teaches filtering in col. 3, lines 8-9).

Regarding claim 9, Treyz teaches a communications system as claimed in claim 1, wherein the interpretation data comprises content which can be displayed during a connection procedure (Col. 2, lines 32-37 and col. 11, lines 24-27 – GPS location interpretation data may be displayed during a connection procedure to download a shopping list).

Regarding claim 10, Treyz teaches a communications system as claimed in claim 1, wherein each beacon device is for broadcasting data using the Bluetooth protocol (Col. 13, lines 29-32 – Bluetooth connection).

Regarding claim 11, Treyz teaches a method of providing information comprising: transmitting a plurality of alert signals from a first beacon device to a wireless receiver within range of the first beacon device (Col. 38, lines 38-46), each alert signal being provided for prompting an alert message (Col. 38, lines 25-37 – proximity messages, local messages, notifications, reminders, e-mail, etc.); providing interpretation data to the wireless receiver to enable the wireless receiver to interpret signals from the beacon device (Providing interpretation data, such as maps, is an inherent functionality of GPS systems); providing a signal from the first beacon device when the wireless receiver is within range of the beacon device (Col. 38, lines 38-46 - proximity alerts may be sent based on the GPS data), the wireless receiver interpreting the signal using the

Art Unit: 2155

interpretation data; (Providing interpretation data, such as maps, is an inherent functionality of GPS systems); transferring data relating to the identity of the wireless receiver from the first beacon to a second beacon device (col. 38, lines 23-46. Local messages (by second beacon device) may be sent based on the GPS data (from first beacon device)); and transmitting from the second beacon device to the wireless receiver (Col. 13, lines 22-26 - "local" communications messages to the user's wireless device).

Regarding claim 12, Treyz teaches a method as claimed in claim 11, wherein the first beacon device is one of a group of beacon devices (Col. 13, lines 38-46 - "remote" communications beacons), and wherein the interpretation data is provided to the wireless receiver from the second beacon device when the wireless receiver is within range of the second beacon device (Col. 38, lines 25-37 – proximity messages, local messages, notifications, reminders, e-mail, etc. See also Fig. 15 - a schematic diagram of a system that includes multiple local wireless transmitter/receivers).

Regarding claim 13, Treyz teaches a method as claimed in claim 11, wherein the interpretation data is provided to the wireless receiver during a preload operation remote from the first beacon device (Col. 2, lines 32-37 and col. 11, lines 24-27 – GPS location interpretation data is provided during preload operation).

Regarding claim 14, Treyz teaches a method as claimed in claim 13, wherein the preload operation is carried out over the internet (Fig. 2,

Art Unit: 2155

communication network 32, which, according to col. 10, lines 56-62 may include the Internet).

Regarding claim 15, Treyz teaches a method as claimed in claim 11, wherein the interpretation data comprises sound files (Col. 49, lines 29-36).

Regarding claim 16, Treyz teaches a method as claimed in claim 11, wherein the signal is provided using the Bluetooth protocol (Col. 13, lines 29-32 – Bluetooth connection).

Regarding claim 17, Treyz teaches a method as claimed in claim 16, wherein the signal is provided as a data field within the Inquiry signal of the Bluetooth protocol (Col. 13, lines 29-32 – Bluetooth connection. Under the Bluetooth protocol, the payload is inherently provided in the data field).

Regarding claim 18, Treyz teaches a method as claimed in claim 11, wherein the wireless receiver is movable between a plurality of groups comprising a plurality of the first and second beacon devices, and wherein the method comprises: providing interpretation data from one of the beacon devices within each group to the wireless receiver when the wireless receiver is within range of the first beacon device (Fig. 13, wireless transmitter/receiver at the merchant's site 178. Col. 3, lines 1-5 – proximity messages from a merchant); and providing a signal from another of the beacon devices within the group when the wireless receiver is within range of the second beacon device, the wireless receiver interpreting the signal using the interpretation data (Fig. 14 shows a second merchant's site 178, providing proximity messages to the shopper).

Art Unit: 2155

3. **Examiner's note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Response to Arguments

4. Applicant's arguments filed 05/19/2005 have been fully considered but they are not persuasive.

The Applicants argue – *"The Office action attempts to equate the providing of identifying information input by the user of the computing device 12 to a cash register network by a shopping assistance service disclosed in Treyz to the second beacon transmitter that receives the identification information of the wireless network as featured in the independent claims. The shopping assistance service is not a second beacon and does not transmit to the wireless receiver"*.

The Examiner respectfully refers the Applicants to the rejection of claims 1 and 11 in the previous Office Action, which provides clear mapping between beacons of the first and second groups of the Applicants and the devices of the applied reference. These devices, according to at least Fig. 49, do transmit to the wireless receiver. The Examiner respectfully points out that the cash registers are not mentioned in any of the cited parts of the reference used in the rejection of the independent claims, and the Examiner is at a loss as to why the Applicants

Art Unit: 2155

interpreted cash registers as devices having anything to do with the rejection of independent claims 1 and 11 in the previous Office Action.

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vitali Korobov whose telephone number is 571-272-7506. The examiner can normally be reached on Mon-Friday 8a.m. - 4:30p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on (571)272-4006. The fax

Art Unit: 2155

phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vitali Korobov
Examiner
Art Unit 2155

VAK
07/06/2006


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